



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 8402-98
13 December 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 28 January 1983 at the age of 20. Your record reflects that you served for two years and three months without disciplinary incident but during the period from 11 April 1985 to 3 January 1986 you received nonjudicial punishment (NJP) on five occasions for failure to report an offense, three periods of unauthorized absence (UA) totalling 32 days, missing the movement of your ship, wrongful use of marijuana, and breaking restriction.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct and frequent involvement of a discreditable nature with military authorities. At this time you waived your rights to consult with legal counsel, submit a statement in rebuttal to the separation, or present your case to an administrative discharge board. On 7 January 1986 your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to a pattern of misconduct and frequent involvement of a discreditable nature with military authorities. The discharge authority approved the foregoing recommendation and on 18 January 1986 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you would like your discharge upgraded to honorable. The Board also considered the letters of recommendation submitted in support of your case. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct, which resulted in five NJPs. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director